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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/914,523

08/29/2001

Yair Oren

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7992

46363 7590 12/28/2005

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EXAMINER

TRAN, DZUNG D

ART UNIT

PAPER NUMBER

2638

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,523

Applicant(s)

OREN ET AL.

Examiner

Dzung D. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/05/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 9-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutter et al. U.S. Patent no. 5,760,934 in view of Wu.

Regarding claim 1, Sutter discloses in figure 2, a closed loop optical fiber for carrying information modulated on at least two optical carriers (e.g., information is modulated with wavelength λ_1 and wavelength λ_4 , see col. 6, lines 24-46), a first one of the carriers having a first wavelength λ_4 and a second one of the carriers having a second wavelength λ_1 , at least two nodes (e.g., N1, N2) at a first one of which first information modulated on the first carrier λ_4 and second information modulated on the second carrier λ_1 is to be recovered and transmitted, the first node N1 comprising a first demultiplexer X4N for demultiplexing the first carrier λ_4 from the fiber, a second demultiplexer X1S for demultiplexing the second carrier λ_1 from the fiber, a first multiplexer I1S for multiplexing the first carrier λ_4 on the fiber, a second multiplexer I1N for multiplexing the second carrier λ_1 on the fiber, and apparatus ADM (e.g., ME1) for receiving and transmitting first and second information (λ_1 , , λ_4) the apparatus ME1 for

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receiving and transmitting first and second information consisting essentially of a first receiver RN for demodulating first information and a first transmitter EN for modulating first information on the first carrier λ_4 before the first carrier λ_4 is placed on the fiber by the first multiplexer I1S, a second receiver RS for demodulating second information and a second transmitter EN for modulating second information on the second carrier λ_1 before the second carrier is placed on the fiber by the second multiplexer I1N.

Even though Sutter does not specifically disclose a first and second switches, wherein when the first carrier is not capable of transmitting first information over the fiber, the first information is modulated on the second carrier for transmission over the fiber. Sutter does disclose the nodes with ADM are provided with a 1+1 line MSP. Furthermore, Wu discloses an ADM node includes a first and second switches (Fig. 8, elements 410, 420, 430). Thus, if it is not inherently, it would have been obvious to an artisan at the time of the invention was made to include the teaching of Wu that is including an ADM node includes a first and second switches in the system of Sutter. At the time of the invention was made, one of ordinary skill in the art would have been motivated to do that in order to enhance the optical system reliability in case of fault or cable cut or equipments failure.

Regarding claims 7 and 8, Sutter further discloses in figure 2 a third optical carrier having a third wavelength λ_2 , the fiber coupling the third optical carrier through at least one of the first and second demultiplexers or both of the first and second demultiplexers (X4N, X1S) and through at least one of the first and second multiplexers

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or both of the first and second multiplexers (I1S, I1N) so that the third optical carrier passes through the first node unaffected.

4. Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 7 and 8 have been considered but are moot in view of the new ground(s) of rejection.

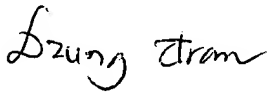
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye, can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script that reads "Dzung Tran".

Dzung Tran
12/23/2005